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Drew R. Herndon

Attorney Docket No. 16842-739

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Woudenberg, et al.	)	
	)	
Application No.: 08/752,973	)	Group Art Unit: 1807
	)	
Filed: December 2, 1996	)	Examiner: K. Horlick
	)	
Title: SYSTEM FOR REAL TIME DETECTION OF	)	
NUCLEIC ACID AMPLIFICATION	)	
PRODUCTS	)	

**PETITION TO WITHDRAW APPLICATION FROM ISSUE  
UNDER 37 C.F.R. 1.313**

09/04/1998 00000038 232415 08752973  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
01 FC:122 ATT:130.00-01 DAC

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**Office of Patent Publication  
Director's Office**

Sir:

Applicants respectfully petition under 37 C.F.R. § 1.313(b) to withdraw the above-referenced application from issue. Enclosed herewith is the petition fee set forth in 37 C.F.R. § 1.17(i). Also enclosed herewith is a Continued Prosecution Application under 37 C.F.R. § 1.53 (d) (CPA) and an Information Disclosure Statement (IDS) to be considered by the Examiner in the CPA.

Applicants wish to withdraw this application from issue and file the enclosed CPA in order to have the reference cited in the also-enclosed IDS considered by the Examiner. The reference cited in the enclosed IDS is a reference which was cited to Applicants by the Japanese Patent Office in an action dated June 9, 1998 which is after payment of the issue fee in this application. Consideration of

this reference prior to payment of the issue fee was therefore not possible.

Grant of this petition to withdraw the application from issue is proper under 37 C.F.R. 1.313(b)(5) since it is being done in order to permit consideration of an IDS in a continuing application and is accompanied by the required statements, documents and fees as set forth in 37 C.F.R. § 1.313(b). Grant of the present petition and withdrawal of the application from issue is therefore respectfully requested.

Please charge \$130.00 for the Petition Fee under 37 C.F.R. §1.17(i) to Deposit Account No. 23-2415 (Atty. Docket No. 16842-739).

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 23-2415. This paper is submitted in duplicate.

Respectfully submitted,

Date: Sept. 1, 1998

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